

California Bay-Delta Public Advisory Committee (BDPAC)
Water Supply Subcommittee January 11, 2006 Meeting Summary
Bonderson Building Hearing Room
9:00 a.m. to 12:00 noon

Introductions

The following Water Supply Subcommittee members and alternates attended the meeting: Jerry Meral, Gary Bobker, Tom Zuckerman, Bernice Sullivan, Ron Jacobsma, Richard Denton, Alan Zepp, Dan Nelson, and Barry Nelson

The meeting focused on the following agenda items:

1. Common Assumptions
2. In-Delta Supplemental Report – Action Item
3. The Winnemem Wintu Tribe Recommendation – Action Item

1. Common Assumptions -- Presenters: Sean Sou (DWR) and Greg Young (consultant to DWR)

The presentation (see the presentation) focused on the characterization and quantification of water management options developed through Common Assumptions. It covered Common Assumptions' main objectives (including supporting the surface storage investigations with common metrics), Common Assumptions' two major efforts (the development of an analytical framework and Common Model Packages and the characterization and quantification of water management options) and the organization of teams. The purpose for characterization and quantification is to "provide detailed information to the surface storage project managers and team members regarding characterization and quantification of future baseline conditions for demand management and local supply augmentation actions for reflection in the Plan Formulation Report Common Model Package (PFCMP)". The Future Baseline Policy Basis is what is "reasonably foreseeable" as of June 1, 2004. It is integrated with other statewide programs. The presentation then discussed outreach to stakeholders and the BDPAC and its subcommittees. The documentation of methods, data, processes, and results will be available in the spring; the teams are finishing the PFCMP to be available by the end of February. The teams will then re-evaluate Common Assumptions for the Feasibility Study Common Model Package (FSCMP) to be available in May 2007. The presentation then discussed resulting future baseline conditions and the process used to select them (urban conservation, agricultural conservation, water recycling, wastewater recycling, desalination, local groundwater, long-term transfers) as well as options (for all future years) and contingency measures (for just a given year). Next steps include continuing the reflection of values into the PFCMP and finalizing detailed appendices and summarizing them in the PFCMP document. Future baselines have been set to meet the NEPA "reasonably foreseeable" test; extensive coordination with state programs and local parties will improve the validity and acceptability; future baseline conditions will be re-evaluated for the FSCMP.

Comments:

Subcommittee, audience, and staff discussion clarified the difference between long-term and spot market transfers: in the latter, quantities of the water to be transferred are not set. The Planning and Conservation League expressed concern that the Current Trends Continued alternative in the updated California Water Plan is inconsistent with the Common Assumptions reasonably

foreseeable baseline; staff will document such inconsistencies. There was also concern about 2020 being representative of the life of surface storage projects; the FSCMP will move to a 2030 baseline.

Barry Nelson stated that, if the maximum transfer values from the Sacramento Valley were totaled, they appear to be less than the maximum north-to-south transfer quantity of 800 TAF assumed for the SDIP's draft EIR/S; he asked if the Common Assumptions effort had checked with the SDIP regarding the assumed values.

Note: SDIP assumed the maximum transfer (Sacramento Valley to south of Delta) of 600 TAF/yr. This number was provided by SDIP to the Common Assumptions Team in response to Mr. Nelson's question after the meeting. Common Assumptions assumed the maximum available spot market transfer of 530 TAF/yr in below normal years, 580 TAF/yr in dry years, and 620 TAF/yr in critical years for Sacramento Valley to south of Delta transfers. In addition, Phase 8 can provide up to 185 TAF in these year types. Therefore, the assumptions for the maximum annual water supplies available for transfer for Common Assumptions are consistent with, or even more than, the SDIP assumptions.

2. In-Delta Supplemental Report – Action Item -- Presenter: Steve Roberts (DWR)

The In-Delta Supplemental Report was prepared in response to comments received on the 2004 draft state feasibility study and notably the Jones Tract flood. The presentation (see the presentation) covered key findings about operations, benefits, water quality, costs (increasing from \$774 million to \$789 million), risk analysis, technical feasibility, environmental evaluations, economic uncertainty. It then covered staff's proposed process for future work: the staff draft will be released this week, the subcommittee will make a recommendation, the recommendation will go to the BDPAC and Policy Group for adoption, and after adoption the report will be finalized and comments will be received but not responded to. DWR's recommendation (see the recommendation) was to suspend further detailed study until a proposal is made by potential project participants; limited economic studies and operations modeling through Common Assumptions so that In-Delta Storage can be compared to other developing surface storage projects would continue.

Comments and Action:

Andy Moran stated that he felt the recommendation is fair. There was other concern that the report is a DWR report and not an Authority report. Gary Bobker felt that the recommendation is reasonable and that it is important to state that the subcommittee does not endorse or agree with any findings in the report. Barry Nelson noted that there is more study on In-Delta Storage than any other project and that other projects may end up having more uncertainty. Richard Denton was concerned about taking action without seeing the report. Denton and Co-chair Meral felt no urgency to adopt the recommendation and suggested sending the report to DWR Director Lester Snow and reworking the recommendation, as suggested, to be voted on at a future subcommittee meeting. Tom Zuckerman was concerned about to whom the subcommittee is advisory. Finally, by consensus, the subcommittee approved the recommendation with the following changes (as shown):

- Adding at the end of the second long paragraph: "DWR acknowledges that the findings of the report are not supported by all BDPAC members."

- Adding at the end of the first sentence of the 3rd paragraph: “and DWR is directed and funded to continue these studies”
- Adding in the next sentence, after “limited economic study and”, “the use of existing” before “operations”
- deleting the last sentence of the final paragraph

3. The Winnemem Wintu Tribe Recommendation – Action Item

-- Presenters: Donna Garcia (Reclamation) and Gary Mulcahy (Winnemem Wintu Tribe)

The subcommittee began by taking up the BDPAC Environmental Justice subcommittee's recommendation. Reclamation gave an overview of the progress of the Shasta Lake Water Resources Investigation's planning and environmental process, including scoping and meetings with stakeholders. Reclamation is currently working on a Section 106 report and identifying tribal cultural sites.

The Winnemem Wintu Tribe next made an extensive presentation to the subcommittee. The tribe stated that it had requested to be included as a stakeholder in the Section 106 process, but it had not until today been informed that the Section 106 process had started. The tribe felt it was poorly represented in the scoping process. The tribe feels that its land had never been ceded historically; in building Shasta, Congress required Reclamation to buy the tribe's land, help the tribe re-build elsewhere, and move cemeteries and re-bury remains in a central cemetery (in trust) under their tribal or family name. The tribe stated that Shasta Dam took away 90% of their land: Reclamation did not pay for this land, re-buried the cemetery in the Shasta Reservoir Indian Cemetery, and destroyed salmon resources. The tribe moved to privately purchased land. The tribe's sacred sites that are in danger are on the McCloud River; the tribe's presentation showed that a 6.5 ft. raise would inundate these sites. In September 2004 the tribe held a war dance; that year Senator Nighthorse-Campbell introduced a bill to give the tribe federal recognition. A new state law, Senate Bill 18, requires federally non-recognized tribes to be considered in planning by the state and local governments; the tribe asks the Authority to adopt the spirit of the law. The tribe's presentation pointed out that Reclamation's 1983 study of an enlarged Shasta Dam recognized the tribe.

Reclamation responded that it was authorized to search—and is searching—records for evidence of compensation to the tribe when Shasta Reservoir was first built. Under the Section 106 process, the tribe would be a consulting party

Comments and Action:

Initial comments from the audience included that no expansion of Shasta Reservoir is allowed under the California Public Resources Code and that all state participation should be stopped. One member of the audience characterized what had happened to the tribe when Shasta Dam was built as "cultural genocide"; a higher bar for action should be required. Ron Jacobsma felt that all of the investigations would find opportunities, challenges, and pitfalls; the Shasta Lake Water Resources Investigation should continue. Alternatively, the PCL expressed that Shasta expansion in particular and surface storage in general is not needed. Another suggestion from the audience was that Reclamation should take a step back to examine records of compensation to the tribe; there clearly is a lack of local support (as is required under Reclamation's policy). There were several

suggestions that the resolution be amended to position the Authority to oppose the Shasta enlargement until the tribal issues are first resolved; however, there were also several suggestions that the environmental process should continue and not be pre-judged. One member of the subcommittee was concerned about the subcommittee involving itself in too many legal issues.

Specifically, Bobker suggested amending the recommendation to have Reclamation resolve the tribe's issues as a priority in time and resources; Dan Nelson suggested that the subcommittee not pre-judge the tribe's issues and that they should merely be addressed as a part of the environmental process. Bobker felt it reasonable to elevate these issues because the tribe has not been properly represented; Dan Nelson felt that the very statement elevated the issues. Co-chair Meral suggested reaching consensus rather than having what he thought would be a divided vote. Denton asked, under the resolution, by when must Reclamation resolve the tribe's issues and what would happen if Reclamation did not. Dan Nelson asked that the word "address" be used instead of the word "resolve"; Bobker stated he would accept this if the term "enlarged" to describe the Shasta Reservoir project was removed.

The resolution, attached, then passed unanimously.

Other Business:

There was no other business.

Public Comment

There was no additional public comment.